

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

GILLIAN LAUB,

Plaintiff,

v.

CHOSUN DAILY NEWS  
ATLANTA, LLC,

Defendant.

Case No.:

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

Plaintiff Gillian Laub (*“Plaintiff”*), by and through her undersigned counsel, for her Complaint against Defendant Chosun Daily News Atlanta, LLC (*“Defendant”*) states and alleges as follows:

**INTRODUCTION**

1. This action seeks to recover damages for copyright infringement.
2. Plaintiff herein creates photographic images and owns the rights to these images which Plaintiff licenses for various uses including online and print publications.
3. Defendant owns and operates a website known as atlantachosun.com (the *“Website”*).
4. Defendant, without permission or authorization from Plaintiff actively copied, stored, and/or displayed Plaintiff's Photograph on the Website and engaged in this misconduct knowingly and in violation of the United States

1 copyright laws.

2 **PARTIES**

3 5. Plaintiff Gillian Laub is an individual who is a citizen of the State of  
4 New York and who resides in Manhattan, New York.

5 6. Upon information and belief, Defendant Chosun Daily News  
6 Atlanta, LLC, is a Georgia limited liability company with a principal place of  
7 business at 2730 N. Berkeley Lake Rd., Duluth in Gwinnett County, Georgia.

8 **JURISDICTION AND VENUE**

9 7. This Court has subject matter jurisdiction over the federal copyright  
10 infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.

11 8. This Court has personal jurisdiction over Chosun Daily News  
12 Atlanta, LLC because it maintains its principal place of business in Georgia.

13 9. Venue is proper under 28 U.S.C. §1391(a)(2) because Chosun Daily  
14 News Atlanta, LLC does business in this Judicial District and/or because a  
15 substantial part of the events or omissions giving rise to the claim occurred in this  
16 Judicial District.

17 **FACTS COMMON TO ALL CLAIMS**

18 10. Plaintiff is a professional photographer by trade who is the legal and  
19 rightful owner of the photographs which Plaintiff licenses to online and print  
20 publications.

21 11. Plaintiff has invested significant time and money in building  
22 Plaintiff's photograph portfolio.

23 12. Plaintiff has obtained active and valid copyright registrations from  
24 the United States Copyright Office (the "USCO") which cover many of Plaintiff's  
25 photographs while many others are the subject of pending copyright applications.  
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1           13. Plaintiff's photographs are original, creative works in which  
2 Plaintiff's own protectable copyright interests.

3           14. Chosun Daily News Atlanta, LLC is the registered owner of the  
4 Website and is responsible for its content.

5           15. Chosun Daily News Atlanta, LLC is the operator of the Website and  
6 is responsible for its content.

7           16. The Website is a popular and lucrative commercial enterprise.

8           17. The Website is monetized in that it contains paid advertisements and,  
9 upon information and belief, Defendant profits from these activities.

10           18. On June 7, 2021, Plaintiff authored a photograph of Yale Law School  
11 Professor of Law Amy Lynn Chua standing in front of her residence while holding  
12 the leashes of her two dogs (the "*Photograph*"). A copy of the Photograph is  
13 attached hereto as Exhibit 1.

14           19. Plaintiff applied to the USCO to register the Photograph on or about  
15 August 27, 2021, under Application No. 1-10748331881.

16           20. The Photograph was registered by the USCO on August 27, 2021  
17 under Registration No. VA 2-266-560.

18           21. On June 28, 2021, Plaintiff first observed the Photograph on the  
19 Website in a story dated June 23, 2021. A copy of the screengrab of the Website  
20 including the Photograph is attached hereto as Exhibit 2.

21           22. The Photograph was displayed at URL:  
22 <http://atlantachosun.com/322899>.

23           23. The Photograph was stored at URL:  
24 [https://atlantachosun.com/files/attach/images/548/899/322/bd07b1f0e01](https://atlantachosun.com/files/attach/images/548/899/322/bd07b1f0e01c9b3dda78381f66647dd8.png)  
25 [c9b3dda78381f66647dd8.png](https://atlantachosun.com/files/attach/images/548/899/322/bd07b1f0e01c9b3dda78381f66647dd8.png).

1           24. Without permission or authorization from Plaintiff, Defendant  
2 volitionally selected, copied, stored and/or displayed Plaintiff's copyright  
3 protected Photograph as is set forth in Exhibit "1" on the Website.

4           25. Upon information and belief, the Photograph was copied, stored and  
5 displayed without license or permission, thereby infringing on Plaintiff's  
6 copyrights (hereinafter the "*Infringement*").

7           26. The Infringement includes a URL ("*Uniform Resource Locator*") for  
8 a fixed tangible medium of expression that was sufficiently permanent or stable  
9 to permit it to be communicated for a period of more than a transitory duration  
10 and therefore constitutes a specific infringement. *17 U.S.C. §106(5); Perfect 10,*  
11 *Inc. v. Amazon.com, Inc.*, 508 F.3d 1146, 1160 (9th Cir. 2007).

12           27. The Infringement is an exact copy of the entirety of Plaintiff's  
13 original image that was directly copied and stored by Defendant on the Website.

14           28. Upon information and belief, Defendant takes an active and  
15 pervasive role in the content posted on its Website, including, but not limited to  
16 copying, posting, selecting, commenting on and/or displaying images including  
17 but not limited to Plaintiff's Photograph.

18           29. Upon information and belief, Defendant directly contributes to the  
19 content posted on the Website by directly employing reporters, authors and/or  
20 editors as its agents who post content on the Website under the alias "Editorial  
21 department." ("*Employees*").

22           30. Upon information and belief, at all material times the Employees  
23 were acting within the course and scope of their employment when they posted  
24 the Infringement.

25           31. Upon information and belief, at all material times the Employees  
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1 were acting within the course and scope of their agency when they posted the  
2 Infringement.

3 32. Upon information and belief, the Photograph was willfully and  
4 volitionally posted to the Website by Defendant.

5 33. Upon information and belief, Defendant is not registered with the  
6 United States Copyright Office pursuant to 17 U.S.C. §512.

7 34. Upon information and belief, the Infringement was not posted at the  
8 direction of a “user” as that term is defined in 17 U.S.C. §512(c).

9 35. Upon information and belief, Defendant was aware of facts or  
10 circumstances from which the determination regarding the Infringement was  
11 apparent. Defendant cannot claim that it was not aware of the infringing activities,  
12 including the specific Infringement which forms the basis of this complaint, since  
13 such a claim would amount to only willful blindness to the Infringement on the  
14 part of Defendant.

15 36. Upon information and belief, Defendant engaged in the Infringement  
16 knowingly and in violation of applicable United States Copyright Laws.

17 37. Upon information and belief, Defendant has the legal right and  
18 ability to control and limit the infringing activities on its Website and exercised  
19 and/or had the right and ability to exercise such right.

20 38. Upon information and belief, Defendant monitors the content on its  
21 Website.

22 39. Upon information and belief, Defendant has received a financial  
23 benefit directly attributable to the Infringement.

24 40. Upon information and belief, the Infringement increased traffic to  
25 the Website and, in turn, caused Defendant to realize an increase in its advertising  
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1 revenues.

2 41. Upon information and belief, a large number of people have viewed  
3 the unlawful copy of the Photograph on the Website.

4 42. Upon information and belief, Defendant at all times had the ability  
5 to stop the reproduction and display of Plaintiff's copyrighted material.

6 43. Defendant's use of the Photograph, if widespread, would harm  
7 Plaintiff's potential market for the Photograph.

8 44. As a result of Defendant's misconduct, Plaintiff has been  
9 substantially harmed.

10 45. On or about July 24, 2023, correspondence was emailed and mailed  
11 to Defendant regarding this matter, however, Plaintiff did not receive a response  
12 from Defendant.

13 46.

14 **FIRST COUNT**

15 ***(Direct Copyright Infringement, 17 U.S.C. §501 et seq.)***

16 47. Plaintiff repeats and incorporates by reference the allegations  
17 contained in the preceding paragraphs, as though set forth in full herein.

18 48. The Photograph is an original, creative work in which Plaintiff owns  
19 valid copyright properly registered with the United States Copyright Office.

20 49. Plaintiff has not licensed Defendant the right to use the Photograph  
21 in any manner, nor has Plaintiff assigned any of its exclusive rights in the  
22 copyrights to Defendant.

23 50. Without permission or authorization from Plaintiff and in willful  
24 violation of Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and  
25 illegally copied, stored, reproduced, distributed, adapted, and/or publicly  
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1 displayed works copyrighted by Plaintiff thereby violating one of Plaintiff's  
2 exclusive rights in its copyrights.

3 51. Defendant's reproduction of the Photograph and display of the  
4 Photograph constitutes willful copyright infringement. *Feist Publications, Inc. v.*  
5 *Rural Telephone Service Co., Inc.*, 499 U.S. 340, 361 (1991).

6 52. Plaintiff is informed and believes and thereon alleges that the  
7 Defendant willfully infringed upon Plaintiff's copyrighted Photograph in violation  
8 of Title 17 of the U.S. Code, in that they used, published, communicated, posted,  
9 publicized, and otherwise held out to the public for commercial benefit, the  
10 original and unique Photograph of the Plaintiff without Plaintiff's consent or  
11 authority, by using it in the infringing article on the Website.

12 53. As a result of Defendant's violations of Title 17 of the U.S. Code,  
13 Plaintiff is entitled to an award of actual damages and disgorgement of all of  
14 Defendant's profits attributable to the infringement as provided by 17 U.S.C. §  
15 504 in an amount to be proven or, in the alternative, at Plaintiff's election, an  
16 award for statutory damages against the Defendant for the infringement pursuant  
17 to 17 U.S.C. § 504(c).

18 54. As a result of the Defendant's violations of Title 17 of the U.S. Code,  
19 the court in its discretion may allow the recovery of full costs as well as reasonable  
20 attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.

21 55. As a result of Defendant's violations of Title 17 of the U.S. Code,  
22 Plaintiff is entitled to injunctive relief to prevent or restrain infringement of his  
23 copyright pursuant to 17 U.S.C. § 502.

24 **JURY DEMAND**

25 56. Plaintiff hereby demands a trial of this action by jury.

**PRAYER FOR RELIEF**

**WHEREFORE** Plaintiff respectfully requests judgment as follows:

That the Court enters a judgment finding that Defendant has infringed on Plaintiff's rights to the Photograph in violation of 17 U.S.C. §501 et seq. and award damages and monetary relief as follows:

- a. finding that Defendant infringed Plaintiff's copyright interest in the Photograph by copying and displaying without a license or consent;
- b. for an award of actual damages and disgorgement of all of Defendant's profits attributable to the infringement as provided by 17 U.S.C. § 504 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for statutory damages against Defendant for the infringement pursuant to 17 U.S.C. § 504(c), whichever is larger;
- c. for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant from any infringing use of any of Plaintiff's works;
- d. for costs of litigation and reasonable attorney's fees against Defendant pursuant to 17 U.S.C. § 505;
- e. for pre-judgment interest as permitted by law; and
- f. for any other relief the Court deems just and proper.

DATED: August 21, 2023

**SANDERS LAW GROUP**

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